



DOCKET NO.: JJCP-0013

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

**Charles E. Clum, et al.**

**Confirmation No.: 4667**

**Application No.: 09/360,805**

**Group Art Unit: 1616**

**Filing Date: July 23, 1999**

**Examiner: Michael G. Hartley**

**For: RETINOID COMPOSITIONS CONTAINING A WATER SOLUBLE  
ANTIOXIDANT AND A CHELATOR**

**EXPRESS MAIL LABEL NO: EL969192211US  
DATE OF DEPOSIT: March 1, 2004**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached;

or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☐ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

## EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. \_\_\_\_\_, filed \_\_\_\_\_.



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PATENT

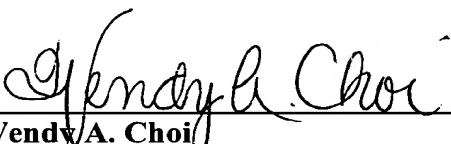
Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

☒ The relevance of those listed references which are not in the English language is as follows: EP 0 280 606 = U.S. Patent # 5,023,235

Internet Page Fu-Berlin.De (Arzneiformlehre/TOPIKA) = No English Language Translation Available

Hunnius Pharmazeutisches = No English Language Translation Available

Date: March 1, 2004

  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. <b>JJCP-0013</b>	Application No. <b>09/360,805</b>
	Applicant <b>Charles E. Clum, et al.</b>	
	Filing Date <b>July 23, 1999</b>	Group <b>1616</b>
	Confirmation No. <b>4667</b>	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>		
	<b>9</b>	Gassmueller, J. et al., "Antiflammatory Effect of Magistral Prescriptions with Glucocorticosteroids in Eucerinum-vehicles Compared to Trademark Products Using the UVB-Erythema Test", <i>Zeitschrift fur Hautkrankheiten, H&amp;G</i> , <b>1998</b> , 6(73), 364-370
	<b>10</b>	Dermatika=Topika, <a href="http://userpage.fu-berlin.de/~zombie/3Sem/Azneiformlehre/TOPIKA.html">http://userpage.fu-berlin.de/~zombie/3Sem/Azneiformlehre/TOPIKA.html</a> , 11 pages
	<b>11</b>	Encyclopedia of Emulsion Technology, <b>1983</b> , 1(Basic Theory), 135, edited by Paul Becher
	<b>12</b>	Hunnius Pharmazeutisches Worterbuch, 8. Auflage, 3 pages
	<b>13</b>	The Merck Index, An Encyclopedia of Chemicals, Drugs, and Biologicals, Edited by Susan Budavari, <b>1989</b> , 1576
	<b>14</b>	Declaration of Dr. Jonas C.T. Wang, Ph.D., <b>March 9, 2000</b> , 2 pages
	<b>15</b>	Procter & Gamble, Skin Care Department-Test by Mr. I. Oldfield, 1 page, <b>September 26, 2000</b>
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>



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**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	16	4,626,529	12/02/86	Grollier	514	159
	17	5,087,620	02/11/92	Parab	514	171
	18	5,093,360	03/03/92	Yu, et al.	514	463
	19	5,559,149	09/24/96	Clum, et al.	514	529
	20	5,583,136	12/10/96	Yusuf, et al.	514	252
	21	5,652,263	07/29/97	Clum, et al.	514	529

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	22	CA 1 196 285	11/05/85	Canada		
	23	CA 2 009 835	10/07/90	Canada		
	24	CA 2 033 183	11/23/90	Canada		
	25	EP 0 280 606 B1	04/15/92	EPO		
	26	EP 0 396 184 A2	11/07/90	EPO		
	27	FR 2 558 058	07/19/85	France	X(abstract)	
	28	GB 2 097 783	11/10/82	Great Britain		
	29	JP 48-48617	07/10/73	Japan	X(abstract)	
	30	WO 85/00106	01/17/85	PCT		
	31	WO 86/06275	11/06/86	PCT		

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**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document No.	Date	Country	Translation	
				YES	NO
	32	WO 93/00085	01/07/93	PCT	

**EXAMINER**

**DATE CONSIDERED**